



UNITED STATES CAPITOL POLICE OFFICE OF INSPECTOR GENERAL

Oversight Review of the United States Capitol Police Office of Professional Responsibility Report Number ICR-2012-0001

September 2012

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UNITED STATES CAPITOL POLICE
WASHINGTON, DC 20003



INSPECTOR GENERAL

PREFACE

The Office of Inspector General (OIG) prepared this report pursuant to the Inspector General Act of 1978, as amended. It is one of a series of audits, reviews, and investigative and special reports prepared by OIG periodically as part of its oversight responsibility with respect to the United States Capitol Police to identify and prevent fraud, waste, abuse, and mismanagement.

This report is the result of an assessment of the strengths and weaknesses of the office or function under review. It is based on interviews with employees and officials of relevant agencies and institutions, direct observation, and a review of applicable documents.

The suggestions therein have been developed on the basis of the best knowledge available to the OIG, and have been discussed in draft with those responsible for implementation. It is my hope that these suggestions will result in more effective, efficient, and/or economical operations.

I express my appreciation to all of those who contributed to the preparation of this report.

Carl W. Hoecker

Carl W. Hoecker
Inspector General

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Executive Summary

Introduction

In furtherance of its annual plan, the Office of Inspector General (OIG) for the U.S. Capitol Police (USCP) conducted a quality assessment review of the Office of Professional Responsibility (OPR).

OPR investigates complaints of alleged improper conduct in a comprehensive, objective, and confidential manner.

Office of Professional Responsibility Review

Because this is the first OIG review of OPR, our objective was to gain an understanding of the processes as well as assess the efficiency and effectiveness of the OPR operation. Our scope included OPR investigations closed between October 1, 2011, and August 1, 2012.

We reviewed the division's overall organizational structure and processes, allegation intake and review, and its case files.

From October 2, 2011, through August 1, 2012, OPR reported 62 closed investigative cases. Of those, OIG selected and reviewed 22. The types of cases reviewed included: conduct unbecoming, conformance to laws, courtesy, improper remarks, and neglect of duty, operating vehicles, unsatisfactory performance, and compliance with directives.

Results in Brief

Overall, OPR investigated and conducted investigations in a fair and impartial manner as well as provided appropriate documentation. The allegations were thoroughly investigated, completed in a timely manner, and reported to the appropriate officials.

Although we did not make any recommendations as a result of this review, we do offer suggestions for improving the following areas: documentation, allegation tracking, allegation reporting, and division training. We discussed the results of this review with the Chief of Police and the Commander of OPR. Their formal comments are included in this report.

Background

On August 2, 2005, under Public Law (PL) 109-55, Congress established the United States Capitol Police (USCP) Office of Inspector General (OIG).¹ The provisions of PL 109-55 are in subsection 1909, title 2, United States Code (U.S.C.). The Inspector General (IG) reports directly to the USCP Board (Board).

The IG has the authority and responsibility to supervise and conduct audits, inspections, and investigations involving USCP programs, functions, systems, or operations. The IG must carry out the same duties and responsibilities with respect to USCP as the IG of an establishment carries out duties and responsibilities under Sections 4, 5, and 6 of the IG Act (the Act) of 1978, 5 U.S.C. App. 4-6.²

The IG typically receives and investigates complaints or information from an employee or member of the Capitol Police about possible activity constituting a violation of law, rules, regulations, mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety, including complaints or information the investigation of which is under the jurisdiction of the Office of Professional Responsibility (OPR). Further guidance for implementing PL 109-55 is in USCP Directive [REDACTED]

Objective Scope and Methodology

Because this is the first OIG review of OPR, our objective was to fully understand its processes and assess the efficiency and effectiveness of the OPR operation. Our scope included OPR investigations closed between October 1, 2011, and August 1, 2012.

During the period under review, OPR reported 62 closed investigative cases. OIG selected and reviewed 22 closed OPR cases.

In reviewing the closed cases and OPR operations, OIG used OPR's policy and procedures. OIG also used the Council of the Inspectors General on Integrity and Efficiency (CIGIE) *Quality Standards for Investigations* and CIGIE *Quality Standards for Inspection and Evaluations* as general guidance.

¹ PL 109-55, Title I, §1004, August 2, 2005, 119 Stat. 572.

² 2 U.S.C. §1909 incorporates sections 4, 5 (other than subsection (a)(13) thereof), and 6(a) (other than paragraphs (7) and (8) thereof) of the IG Act of 1978, (5 U.S.C. App. 4, 5, and 6).

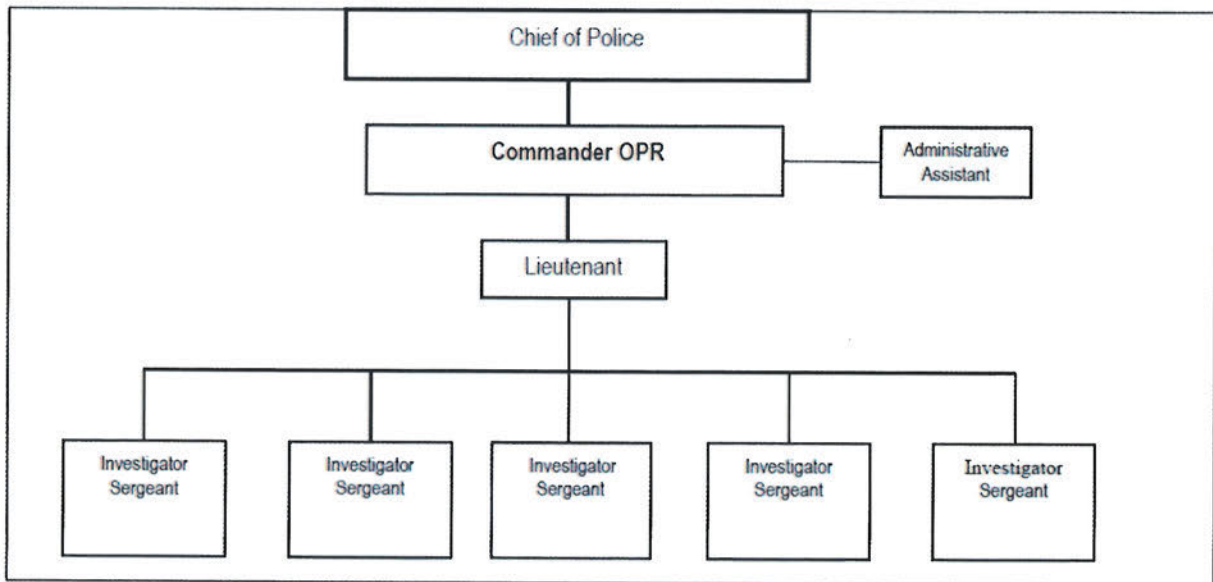
Office of Professional Responsibility Overview

OPR investigates complaints of alleged improper conduct in a comprehensive, objective and confidential manner. Currently, OPR has eight full-time employees. The Commander (a Captain) and a Lieutenant manage OPR. OPR reports directly to the Chief of Police. OPR has five investigators—all Sergeants—and an Administrative Assistant.

To track and manage the allegation and investigation process, OPR uses a case tracking system called [REDACTED]. Complaints can be submitted to OPR by mail, email, in person, or by phone. If necessary, an on-call investigator is available 24 hours a day. Upon completion of an OPR investigation, the Chief of Police, or designee, is notified of the results. Completed investigations result in one of the following classifications: sustained, not sustained, exonerated, unfounded, or dismissed. If misconduct is noted, corrective and/or disciplinary procedures are implemented upon the recommendation of the Disciplinary Review Officer (DRO). Upon completion of the investigation and before being sent out of OPR, the Lieutenant and the OPR Commander review each Report of Investigation (ROI).

Organizational Structure

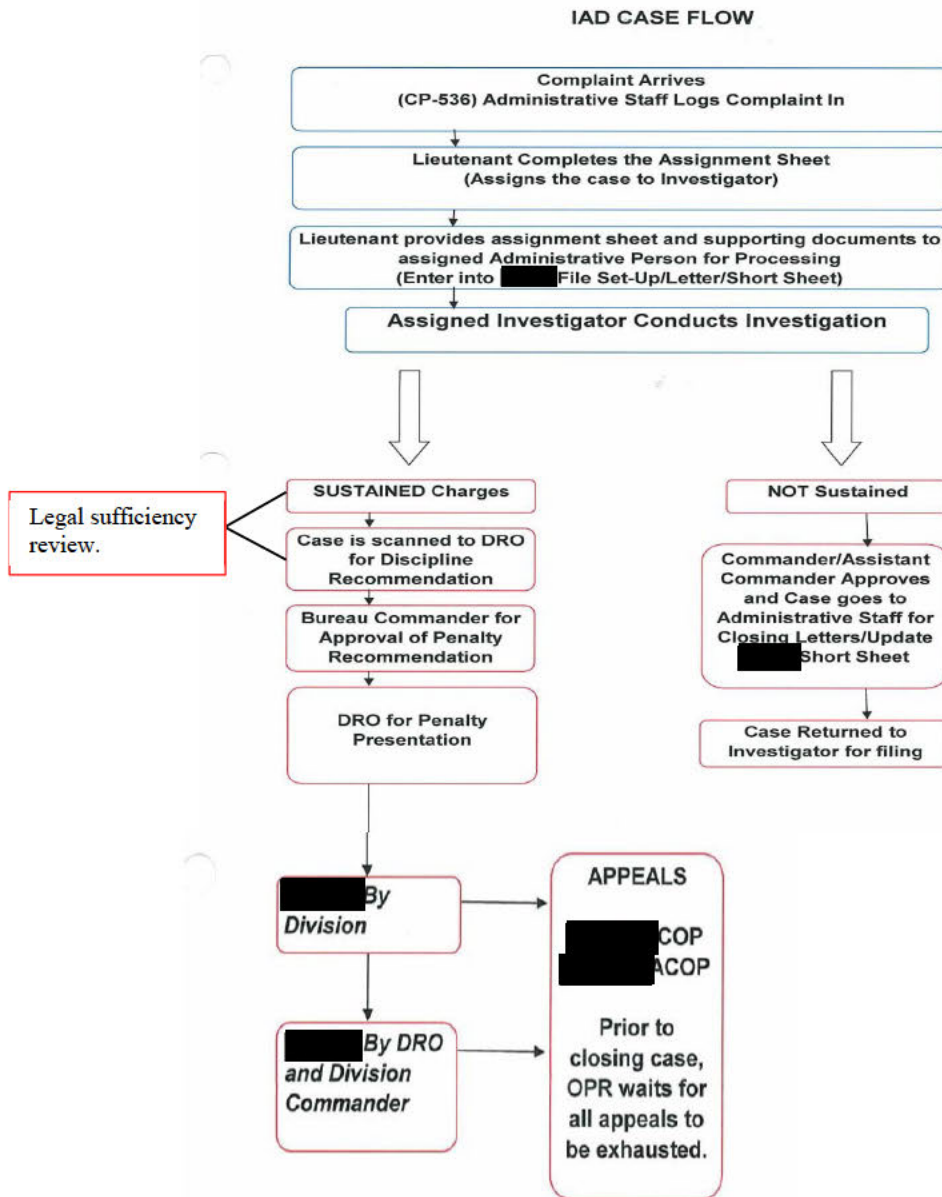
The chart below delineates the OPR organizational structure.³



³ Source: OPR Informational Binder.

Case Flow Process

The following diagram depicts the OPR case flow from receipt of an allegation to final disposition.⁴



⁴ Source: OPR Informational Binder. Note: [REDACTED] Also, the case flow has changed recently. After a sustained charge, the report is subjected to a OGC legal sufficiency review and assigned to a DRO.

Caseload

From October 1, 2011, through August 1, 2012, OPR received 120 allegations. Of the 120 allegations OPR received, 26 cases were pending investigation and 3 cases were suspended as a result of the resignation/separation of the respondent from the Department, while 50 cases were remanded to the affected Division for investigation.⁵ Of the 120 allegations, OPR completed 91 investigations, and 107 allegations were for violations of Department policy. Of the 107 allegations for misconduct, 54 charges were classified as sustained. The average caseload per investigator (5 investigators assigned to OPR) is 24 cases.⁶

The table below is a listing of charges and dispositions:⁷

Allegations	Number of Allegations	Number Sustained
Absence from Duty	2	2
Abuse of Process	1	1
Carrying Credentials and Identification	0	0
Compliance with Directives	33	21
Conduct Unbecoming	16	7
Conformance to Laws	3	2
Courtesy	23	2
Dissemination of Information	0	0
Duty Post	1	1
Improper Remarks	3	3
Knowledge of Laws	0	0
Neglect of Duty	2	2
Operating Vehicles	6	2
Subordinate Compliance	0	0
Subordinate Discipline	0	0
Truthfulness	4	2
Unsatisfactory Performance	5	4
Use of Alcohol	2	2
Use of Property and Services	0	0
Use of Weapons	5	3
Total	107	54

⁵ Certain, less egregious allegations are assigned to the Divisions for investigation. See the Allegations Intake and Review Process section of this report.

⁶ The number of cases may not coincide with the number of allegations because some cases may have been resolved with no allegations investigated, or one case may contain additional allegations after the investigation was completed.

⁷ Source: Interview with Commander of OPR.

Staff Qualifications

OPR is staffed with a Commander (a Captain), one Lieutenant, five investigators (Sergeants), and one Administrative Assistant (civilian). All of the investigators have served in an operational capacity as officers before becoming an OPR investigator. An officer becomes eligible to serve as an OPR investigator upon attaining the rank of Sergeant.

Through experience and training, personnel assigned to OPR collectively possess the necessary professional characteristics to conduct the range of expected internal investigations. Once selected, investigators receive specialized training that includes Equal Employment Opportunity training, interviewing techniques, and periodic follow-up training on internal investigations.

Independence

The Commander of OPR reports directly to the Chief of Police. Such a chain of command allows OPR to operate independent of influences from the Department, such as the Division commanders, labor committee, and Bureau commanders.

We believe that all of the investigative cases reviewed were conducted in a fair and impartial manner. We found no evidence that personal or external factors unduly influenced the outcome of the investigations and found no impairment or bias in the investigative findings. In addition, we did not find any evidence of departmental interference that restricted investigator access to files, documents, or other records.

Due Professional Care

Specific methods and techniques that OPR investigators used were appropriate for the circumstances and objectives of the investigations. Investigations were conducted in a fair and impartial manner consistent with departmental guidelines and relevant legal requirements. All evidence and information gathered was reported in an unbiased and objective manner.

Based on our observations of and interviews with the Commander, Lieutenant, investigators, and Administrative Assistant, OPR effectively managed its cases, and investigations were conducted and managed in accordance with established agency and professional standards.

Operational Process

Sufficient supervisory controls were in place for the operational process concerning receipt, control, and screening of allegations. The controls allowed for effective analysis, accurate cross-referencing, and efficient retrieval of required information. Procedures were in place that adequately safeguarded and protected confidential sources and

information. OPR staff members used [REDACTED] for tracking the allegation and investigative process. Access to investigative case files is limited to personnel with a need to know.

Allegation Intake and Review

USCP reviews allegations of misconduct from internal and external sources. Allegations are typically received through the mail, in person, by OPR's primary phone number, or from the OIG. Allegations, regardless of the source, are forwarded to the Administrative Assistant to be logged in and processed.

Allegations of misconduct are assigned a designation of Category I or Category II depending on the nature of the allegation or potential departmental violations. Category I is defined as any complaint or allegation containing one or more of the following elements: (1) unnecessary or excessive use of force, (2) false arrest, (3) sexual or racial discrimination, harassment, or breaches of civil rights, and (4) violations of specific criminal statutes. Category I complaints are investigated by OPR. Category II complaints are allegations concerning inadequate police services, breaches of rules or regulations, minor policy violations, or any other complaint not listed in Category I. Division Commanders have the primary responsibility for investigating Category II complaints. In some instances, OPR may investigate Category II allegations when complaints that, by their nature or scope are not suitable for investigation at the Division level, or when complaints involve personnel from more than one Division, or when directed by the Chief of Police or Assistant Chief of Police.⁸

Case File Review

Case files were examined to determine: (1) the proper handling and processing of allegations from receipt of an allegation and subsequent investigation to tracking the final disposition, (2) the quality and timeliness of the internal investigation, (3) the internal quality control of investigative reports, and (4) the management case review system.

Allegations Handled in a Timely Manner

We reviewed each investigative case file in our sample to determine the number of days for OPR to initiate an investigation after receipt of an allegation. The time between the date OPR received the allegation and the date an investigation was initiated was within the acceptable amount of time. We found that it took between 1 to 2 working days for OPR to process/evaluate an allegation before assigning it to an investigator. We believe that allegations were handled effectively, efficiently, and in a timely manner.

⁸ Source: [REDACTED] Directive, effective date August 2, 1996.

Allegations Fully Investigated

We reviewed each investigative case file in our sample of 22 to determine whether all of the allegations were fully investigated. Of the 22 cases reviewed, we believe the information in the complaint was adequately addressed, all logical investigative leads were developed and pursued, and appropriate investigative techniques were applied. However, the Category II cases assigned to the Division for investigation did not contain documentation of interviews, investigator notes, and formal witness or respondent statements. As an example, one witness statement was prepared on the back of a USCP count sheet used to document the number of individuals who passed through a checkpoint. Further in this example, the standard first and last page of a witness statement were not found in the file.

Investigations Reported to the Appropriate Action Official

We reviewed each investigation case file in our sample to ensure that investigations were reported to the appropriate action official. The investigative results were reported to the appropriate action official. DRO determined the penalty recommendation and then forwarded it the Bureau Commander for concurrence and further action.

Administrative Control Over Investigations

We interviewed the Administrative Assistant who operates the [REDACTED] system and requested and reviewed several printouts from the system to determine whether investigations were being tracked appropriately and accurately. The system was functional, complete, and up to date. The case list the system produced reconciled with the physical case files reviewed. The contents of investigative case files were organized and standardized. In addition, either the OPR commander or designee conducted weekly office meetings that provided case updates for OPR personnel.

Case Reporting Standards

We reviewed the investigative case files in our sample to determine whether OPR reported investigations in a timely manner. OPR requires completion of cases involving civilian employees that are Category I allegations within 120 days of assignment. For those cases where civilian employees are alleged to have violated Category II misconduct, OPR must complete them within 45 days. For sworn employees, OPR must complete Category I cases within 120 days, while OPR has 60 days to complete Category II cases. For cases assigned to the Division, generally Category II cases, the Division has 20 working days to complete its investigation and submit the ROI to OPR. As per departmental policy, both the Division commanders and OPR may request an extension to complete their respective investigations.

We found that the 22 cases we reviewed were reported in a timely manner.

Suggestions

Overall, we believe that OPR investigated and provided appropriate documentation and conducted investigations in a fair and impartial manner. As such, no recommendations as a result of this review are put forth. However, we offer the following suggestions to assist OPR in improving its processes and increase effectiveness and efficiency.

a. Documentation

The Department should consider formally documenting the investigative planning process, chronological investigative activities, case review, and case closing on each investigation.

b. Allegation Tracking

The Department should consider using a separate tracking number for allegations received and not investigated by OPR, such as those allegations referred to outside entities.

c. Allegation Reporting

The Department should consider implementing a toll free telephone number as an additional allegation reporting vehicle for complainants.

d. Division Training

The Department should consider enhancing and requiring relevant investigative training for Bureau and Division commanders and those individuals to be assigned a Category II investigation.

Management Response



UNITED STATES CAPITOL POLICE

OFFICE OF THE CHIEF

1000 STREET, NE

WASHINGTON, DC 20540-5119

September 12, 2012

U.S. Capitol Police

COPCOR 120605

MEMORANDUM

TO: Carl W. Hoecker
Inspector General

FROM: Thomas P. Reynolds
Acting Chief of Police

SUBJECT: Comments regarding Draft Report – Office of Professional Responsibility
(Report No. ICR-2012-0001)

I appreciate the valuable suggestions and insights provided in *Draft Report Oversight Review of the United States Capitol Police, Office of Professional Responsibility* (Report No. ICR-2012-0001). I am pleased to hear that the Office of Inspector General (OIG) received full assistance and cooperation from the Office of Professional Responsibility (OPR) during this review. In response, your suggestions are italicized below with our comments that outline our efforts with respect to the various suggestions:

Documentation

The Department should consider formally documenting the investigative planning process, chronological investigative activities, case review, and case closing on each investigation.

The Department agrees the suggestion will assist investigators with the organization and planning phase of each investigation and the OPR has begun implementation of this suggestion at both the OPR and Division levels. All cases investigated by the OPR staff will have investigative plans. Additionally, the OPR will prepare investigative plans to help guide Division investigations. These plans will be forwarded to the investigating Division along with a packet of materials that will assist with consistent documentation Department-wide.

Allegation Tracking

The Department should consider using a separate tracking number for allegations received and not investigated by OPR, such as those allegations referred to outside entities.

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The Department agrees the suggestion is beneficial for improved tracking of information either not pertaining to the Department or not requiring investigation. The OPR will begin implementation of this suggestion on October 1, 2012.

Allegation Reporting

The Department should consider implementing a toll free telephone number as an additional allegation reporting vehicle for complainants.

The Department would like to further consider the costs of implementing a toll free telephone number, while also exploring the benefits to OPR.

Division Training

The Department should consider enhancing and requiring relevant investigative training for Bureau and Division Commanders and those individuals to be assigned a Category II investigation.

The Department agrees the training provided to Divisions is critical to the success of the OPR mission. The OPR currently provides in-depth training to the Divisions but is in the process of reviewing and improving the training to focus on the areas where the Division investigations currently fall short. An integral part of the OPR plan includes training for Lieutenants and above to improve oversight of investigations on the Division level.

Once again, I appreciate all of the assistance and expertise provided by the OIG throughout this review. I believe the suggestions can add great value to our internal processes in OPR and are consistent with our principles to continuously strive for improvement throughout the Department.

Sincerely,


Thomas P. Reynolds
Acting Chief of Police

CC: Office of Professional Responsibility

